IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

RP.No. 661 of 2007()

AGAINST THE JUDGEMENT/ORDER IN INS.AP.48/2006 Dated 27/10/2006
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REVIEW PETITIONER/APPELLANT/OPP.PARTY:

E.S.I. CORPORATION,
REPRESENTED BY ITS REGIONAL DIRECTOR,
REGIONAL OFFICE, PANCHADEEP BHAVAN,
NORTH SWARAJ ROUND, THRISSUR.

BY ADV. SMT.T.D.RAJALAKSHMY, SC, ESI CORPN.

RESPONDENTS: RESPONDENT/CLAIMANT:

M/S. K.P.L. OIL MILLS (P) LTD.,
KODUNGALLUR ROAD, IRINJALAKUDA, THRISSUR DIST.
REPRESENTED BY ITS MANAGING DIRECTOR,JOSHU ANTO.

BY

THIS REVIEW PETITION HAVINGCOME UP FOR ADMISSION ON 26/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & M.N.KRISHNAN, JJ.

R.P.No.661 of 2007 in
Ins.Appl.No.48 OF 2006 &
C.M.Appl.286 of 2007

Dated 26th July, 2007

ORDER

Koshy,J.

This is a petition for reviewing the judgment on the ground that the Full Bench decision of this court in ***Employees' State Insurance Corporation*** v. ***Excel Glasses Ltd.*** (2003 (3) K.L.T. 42 (FB)) was subsequently overruled by the Hon'ble Supreme Court in ***Employees State Insurance Corporation*** v. ***Santhakumar*** (2007 (1) K.L.T 133 (SC)). Overruling of a decision referred in the judgment is not a ground for review (See ***Shanti Devi*** v. ***State of Haryana*** (2000(1)K.L.T 697 S.C)). Explanation to Order XLVII Rule 1 of the Code of Civil Procedure clearly rules out review in such a situation. Hence, it is well settled law that a subsequent decision of the court is not a ground for reviewing a judgment or condoning the delay in filing a review petition.

Both delay condonation petition as well as review petition are dismissed.

J.B.KOSHY
JUDGE

M.N.KRISHNAN
JUDGE

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